

Attorney Docket No. 9096-14

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Tianqing He et al.

Confirmation No. 2502

Application No.: 10/714,471

Group Art Unit: 3743

Filed: November 15, 2003

Examiner: Jiping Lu

For: Device and Methods for Rapid Drying of Porous Materials

Date: October 22, 2009

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
OR IN THE ALTERNATIVE TO REVIVE AN ABANDONED APPLICATION**

Sir:

I. Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181

Applicant respectfully requests that the abandonment status of the above-referenced application be withdrawn due to the loss by the USPTO of a reply (Appeal Brief and associated fee) timely filed by Applicant as will be discussed below. A Notice of Abandonment ("Notice") for the above-identified application was mailed on November 12, 2008 to the correspondence address of the prior attorney of record. The Notice states that the application became abandoned because the Appeal brief filed on 27 February 2008 was not acceptable for the reasons indicated below:

- (a) the Appeal brief and/or the brief fee was untimely; and
- (b) the statutory fee for filing the brief was not submitted.

Mr. Michael Mauney, prior patent counsel for the Applicant, states that he (personally) timely mailed the Appeal brief on December 13, 2007 along with the brief fee in the form of a check for \$255 and a return receipt postcard. *Adjustment date: 01/11/2010 LDP/EP1
Set 10/13/2007 PAYEE: MAUNEY, MICHAEL
0001639 500220 10714471
01 FC:2452 270.00 CR*
Copies of check number 4234 with the brief fee payment and the return receipt postcard are attached at Tab A. A copy of the accompanying transmittal cover letter with a Certificate of mailing and the "Certificate of Service" certifying that the "foregoing brief" was deposited in a prepaid first class envelope on December 13, 2007 addressed to the Board of Patent Appeals and Interference are also attached at Tab A. Mr. Mauney has stated that he has never received the returned check or the return receipt postcard. Mr. Mauney also states that he did

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND			
1 Date of Request: <u>01/06/10</u>		2 Serial/Patent # <u>10/714,471</u>	
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED
<input type="checkbox"/> Filing			\$
<input type="checkbox"/> Amendment			\$
<input type="checkbox"/> Extension of Time			\$
<input type="checkbox"/> Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/> Petition		<u>10/22/09</u>	\$ 270.00
<input type="checkbox"/> Issue			\$
<input type="checkbox"/> Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/> Maintenance			\$
<input type="checkbox"/> Assignment			\$
<input type="checkbox"/> Other			\$
		7 TOTAL AMOUNT OF REFUND	\$ <u>270.00</u>
8 TO BE REFUNDED BY:			
<input type="checkbox"/> Overpayment		Treasury Check	
<input type="checkbox"/> Duplicate Payment		<input checked="" type="checkbox"/> Credit Deposit A/C #: <u>9 5 0 -- 0 2 2 0</u>	
<input checked="" type="checkbox"/> No Fee Due (Explanation): 			
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME: <u>L. Walsh</u>		TITLE: <u>Petitions Examiner</u>	
SIGNATURE: <u>L. Walsh</u>		PHONE: <u>2-3206</u>	
OFFICE: <u>Office of Petitions</u>			
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****			
APPROVED: <u>[Signature]</u>		DATE: <u>1/8/10</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**